

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:	Case No. 08-35653-KRH
	:	
Debtors.	:	Jointly Administered
	:	Judge Kevin R. Huennekens
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**MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE**

Federal Warranty Services Corporation, Sureway, Inc., American Bankers Insurance Company of Florida, and United Service Protection, Inc. (collectively, the “Assurant Companies”), by and through their undersigned counsel, and pursuant to the Court’s *Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures* (the “Case Management Order”) [Docket No.130], hereby move the Court for leave to attend the September 16, 2009 hearing by telephone. In support thereof, the Assurant Companies respectfully state as follows:

J.R. Smith [VSB No. 41913]  
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*Counsel for American Bankers  
Insurance Company of Florida,  
Federal Warranty Service  
Corporation, Sureway, Inc.,  
United Service Protection, Inc.  
and Assurant, Inc.*

Raul A. Cuervo [DCB No. 463718]  
**JORDEN BURT LLP**  
1025 Thomas Jefferson St., N.W.  
Suite 400 East  
Washington, DC 20007  
Telephone: (202) 965-8100  
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1. The above-captioned debtors and debtor-in-possession (collectively, the “Debtors”) each filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on November 10, 2008.

2. On January 26 and 27, 2009, the Assurant Companies filed the *Motion to Compel Assumption or Rejection of Agreements Between the Assurant Companies and Circuit City Stores, Inc., or in the Alternative Motion for Relief from Stay to Terminate Agreements, and Memorandum in Support* (the “Assurant Companies’ Motion”) [Docket Nos. 1794 and 1813].

3. On January 26, 2009, this Court authorized the Assurant Companies’ counsel, Raul A. Cuervo, to be admitted *pro hac vice* in these proceedings [Docket No. 1799].

4. Following extensive negotiations between the Debtors and the Assurant Companies, on September 1, 2009, the Debtors filed *Debtors’ Motion, Pursuant to Bankruptcy Code Sections 105 and 365 and Bankruptcy Rule 9019, for Order Approving Stipulations by and among the Debtors and (I) Federal Warranty Service Corporation and Certain Affiliates; (II) General Electric Company; and (III) Service Plan, Inc., and Certain Affiliates* (“Motion Approving Stipulations”) [Docket No. 4747].

5. A hearing on the Assurant Companies Motion and the Motion Approving Stipulations is scheduled before this Court on September 16, 2009.

6. On November 13, 2008, the Court entered the Case Management Order. Paragraph 2(g) of Exhibit A to the Case Management Order states as follows:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

7. Mr. Cuervo will not be able to appear in person at the September 16, 2009 hearing, due to prior commitments, and the Assurant Companies respectfully ask for leave of

Court pursuant to the Case Management Order so that he may appear by telephone with Virginia counsel present in the courtroom.

WHEREFORE, the Assurant Companies respectfully request that this Court grant this motion and enter an Order substantially in the form annexed hereto permitting Mr. Raul A. Cuervo to appear and be heard by telephone at the hearing on September 16, 2009 on behalf of the Assurant Companies; and granting such other relief as necessary and appropriate.

Dated: September 15, 2009 Richmond, Virginia	<u>/s/ J.R. Smith</u> J.R. Smith [VSB # 41913] <b>HUNTON &amp; WILLIAMS LLP</b> Riverfront Plaza, East Tower 951 East Byrd Street Richmond, Virginia Telephone: (804) 788-8200 Facsimile: (804) 788-8218  - and -  Raul A. Cuervo [DCB # 463718] <b>JORDEN BURT LLP</b> 1025 Thomas Jefferson St., N.W. Suite 400 East Washington, DC 20007 Telephone: (202) 965-8100 Facsimile: (202) 965-8104  Counsel for American Bankers Insurance Company of Florida, Federal Warranty Service Corporation, Sureway, Inc., United Service Protection, Inc., and Assurant, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been served on the parties receiving notice via the Court's CM/ECF system and the following parties via US overnight mail, on this 15th day of September, 2009.

Douglas M. Foley, Esq.  
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9000 World Trade Center, 101 W. Main St.  
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*Counsel for Official Committee of Unsecured Creditors*

/s/ J.R. Smith

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
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In re:	:	Chapter 11
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CIRCUIT CITY STORES, INC., <u>et al.</u>	:	Case No. 08-35653-KRH
	:	
Debtors.	:	Jointly Administered
	:	Judge Kevin R. Huennekens

**ORDER GRANTING MOTION FOR LEAVE  
OF COURT TO ATTEND HEARING BY TELEPHONE**

Upon consideration of the *Motion for Leave of Court to Attend Hearing by Telephone* (the “Motion”) filed by Federal Warranty Services Corporation, Sureway, Inc., American Bankers Insurance Company of Florida, and United Service Protection, Inc. (collectively, the “Assurant Companies”), and it appearing that the motion having been served upon counsel for Circuit City Stores, Inc., *et al.* (collectively, the “Debtors”), counsel for the Official Committee of Unsecured Creditors, and the Office of the United States Trustee for the Eastern District of Virginia, and after due deliberation and sufficient cause appearing therefore, it is hereby,

**ORDERED**, that the Motion is **GRANTED** and Raul A. Cuervo is permitted to appear and be heard by telephone at the hearing on September 16, 2009 on behalf of the Assurant Companies.

J.R. Smith [VSB No. 41913]  
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Facsimile: (202) 965-8104

ENTERED in Richmond, Virginia this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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United States Bankruptcy Judge

WE ASK FOR THIS:

/s/ J.R. Smith

J.R. Smith [VSB No. 41913]

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*Counsel for American Bankers Insurance  
Company of Florida, Federal Warranty  
Service Corporation, Sureway, Inc., United  
Service Protection, Inc., and Assurant, Inc*



**LOCAL RULE 9022-1(C)(1) CERTIFICATION**

I hereby certify that the foregoing has been either endorsed by or served upon all necessary parties, via the Court's CM/ECF system and the following parties via overnight mail, on this 15th day of September, 2009.

Douglas M. Foley, Esq.  
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*Counsel for Official Committee of Unsecured Creditors*

/s/ J.R. Smith